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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARTHROCARE CORPORATION,

Plaintiff,

v.

SMITH & NEPHEW, INC.

Defendant.

C.A. No. 01-504-SLR

SMITH & NEPHEW, INC.,

Counterclaim Plaintiff,

v.

ARTHROCARE CORPORATION, AND
ETHICON, INC.,

Counterclaim Defendants.

JURY VERDICT

We, the jury, unanimously find as follows:

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I. INFRINGEMENT OF ARTHROCARE'S PATENTS

A. The '536 Patent

Direct Infringement by Smith & Nephew of the '536 Patent

1. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has directly infringed any of the following claims of the '536 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Patent	Claim	Saphyre	ElectroBlade	Control RF
'536	46	(YES) NO	(YES) NO	(YES) NO
'536	47	(YES) NO	(YES) NO	(YES) NO
'536	56	(YES) NO	(YES) NO	(YES) NO

Inducement of Infringement by Smith & Nephew

2. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has induced infringement by others of any of the following claims of the '536 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Patent	Claim	Saphyre	ElectroBlade	Control RF
'536	46	(YES) NO	(YES) NO	(YES) NO
'536	47	(YES) NO	(YES) NO	(YES) NO
'536	56	(YES) NO	(YES) NO	(YES) NO

Contributory Infringement by Smith & Nephew

3. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement any of the following claim(s) of the '536 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Patent	Claim	Saphyre	ElectroBlade	Control RF
'536	46	YES NO	YES NO	YES NO
'536	47	YES NO	YES NO	YES NO
'536	56	YES NO	YES NO	YES NO

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B. The '882 Patent

Validity of ArthroCare's Certificate of Correction for the '882 Patent

4. Do you find that Smith & Nephew has shown by clear and convincing evidence that the certificate of correction for claim 1 of the '882 patent is invalid? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)

Patent Claim Invalid		
'882	1	YES <input checked="" type="radio"/> NO <input type="radio"/>

Answer questions 5-6 only if you have answered "NO" in question 4.

Inducement of Infringement by Smith & Nephew of the '882 Patent

5. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has induced infringement by others of any of the following claims of the '882 patent with its Saphyre or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Inducement of Infringement by Smith & Nephew of the '882 Patent		
'882	Claim	Induced Infringement
'882	13	YES <input checked="" type="radio"/> NO <input type="radio"/>
'882	17	YES <input checked="" type="radio"/> NO <input type="radio"/>
'882	54	YES <input checked="" type="radio"/> NO <input type="radio"/>

Contributory Infringement by Smith & Nephew of the '882 Patent

6. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement of any of the following claims of the '882 patent with its Saphyre or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Patent	Claim	Smith & Nephew Saphyre or Control RF products contribute to infringement?	ArthroCare Saphyre or Control RF products contribute to infringement?
'882	13	<input checked="" type="radio"/> YES <input type="radio"/> NO	
'882	17	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'882	54		<input checked="" type="radio"/> YES <input type="radio"/> NO

C. The '592 Patent

Inducement of Infringement by Smith & Nephew of the '592 Patent

7. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has induced infringement by others of any of the following claims of the '592 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

REED	CRNT	Saphyre	ElectroBlade	Control RF
'592	1	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	3	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	4	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	11	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	21			<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	23	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	26	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	27	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	32	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
'592	42			<input checked="" type="radio"/> YES <input type="radio"/> NO

Contributory Infringement by Smith & Nephew of the '592 Patent

8. Do you find that ArthroCare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement of any of the following claims of the '592 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Patent	Claim	Saphyre	ElectroBlade	Control RF
'592	1	YES NO	YES NO	YES NO
'592	3	YES NO	YES NO	YES NO
'592	4	YES NO	YES NO	YES NO
'592	11	YES NO	YES NO	YES NO
'592	21			YES NO
'592	23	YES NO	YES NO	YES NO
'592	26	YES NO	YES NO	YES NO
'592	27	YES NO	YES NO	YES NO
'592	32	YES NO	YES NO	YES NO
'592	42			YES NO

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II. VALIDITY OF ARTHROCARE'S PATENTS

A. Anticipation of ArthroCare's Patents

9. Do you find that Smith & Nephew has shown by clear and convincing evidence that the following claims of the patents-in-suit are invalid due to anticipation? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)

The '536 Patent

Anticipated		
Claim 46	YES	NO
Claim 47	YES	NO
Claim 56	YES	NO

The '882 Patent

Anticipated		
Claim 13	YES	NO
Claim 17	YES	NO
Claim 54	YES	NO

The '592 Patent

Anticipated		
Claim 1	YES	NO
Claim 3	YES	NO
Claim 4	YES	NO
Claim 11	YES	NO
Claim 21	YES	NO
Claim 23	YES	NO
Claim 26	YES	NO
Claim 27	YES	NO
Claim 32	YES	NO
Claim 42	YES	NO

D. Enablement of ArthroCare's Patent

10. Do you find that Smith & Nephew has shown by clear and convincing evidence that the following claims are invalid for lack of enablement? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)

Patent No.	Claims Filed	Answers
'882	13, 17, 54	YES <input checked="" type="radio"/> NO <input type="radio"/>

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Each Juror should sign the verdict form to reflect that a unanimous verdict has been reached.

Dated: May 12, 2003

Daphne Atkins
Foreperson

Stacy Miranda

Christine M. Murray

Susan Parker

Ronald H. Price

Tonya L. Byrd

Carol Hansen

John D. Parker